

DRAFT WASHINGTON CRUISE MOU: Key Points

<u>ISSUE</u>	<u>STATUS QUO</u>	<u>WASHINGTON MOU</u>
Covered Waters	Applies to State waters (dispute concerning State jurisdiction for so-called “donut holes”).	Applies to State waters, international waters in Straits of Juan de Fuca and incorporates ICCL Provisions which extend applicability for some purposes to 12 miles from shore. [Definition of covered waters resolves dispute concerning State jurisdiction.]
Sludge Disposal	Sludge can be discharged when outside of territorial waters of U.S. and outside of waters of the State of Washington.	Prohibited unless 12 nm from shore and also prohibited within the “Area to Be Avoided” of the Olympic Coast National Marine Sanctuary.
Annual Registration	No requirements.	Notice must be given to Ecology prior to the arrival of any ship that proposes to use an Advanced Treatment System (ATS). Cruise lines will provide detailed information on the ATS in use on each ship if continuous discharge. Not currently required.
Discharge of untreated Blackwater or Graywater	Prohibited if exceed water quality standards.	Prohibited. Gray water is presently unaddressed by federal law.
Discharge of Blackwater or Graywater Treated only by a conventional Marine Sanitation Device (MSD)	Allowed.	Prohibited. This exceeds federal requirements.
Discharge of Blackwater or Graywater Treated by an ATS Approved by the US Coast Guard for Continuous Discharge	No distinction between MSD and ATS.	Permitted in all places. Port of Seattle lease agreements currently prohibit discharge from any treatment system while in Port. (ATS run best when continuous).
Mandatory Blackwater and Graywater Sampling	No requirements.	Effectively incorporates federal sampling by requiring that ATS comply with federal law. One sample required per month to be performed in Washington. Federally required sampling can be used to meet this requirement so long as done in Seattle by Ecology approved lab. In addition, must provide Ecology with copies of all sample results that are being given to Alaska. Currently not required.

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Participation by Regulators in Sampling Process	No requirements.	Must provide Ecology with split samples on request. Ecology allowed on ship to observe sampling. Currently not required.
Requirements as to What Must Be Included in ATS	No requirements.	Specific requirements exceed federal law: Ultra-Violet light polishing, various monitoring equipment, storage tanks. Currently not required.
Requirements as to Operation of ATS	No requirements.	Specific requirements exceed federal law: monitoring of effluent and responding to upset conditions. Currently not required.
Vessel Inspections	None by Ecology. USCG...	Minimum of one vessel inspection for purpose of verifying operation of ATS. Currently not required.
Whole Effluent Toxicity Testing	No requirement.	Once every two years. Currently not required.
RCRA Issues	Subject to RCRA requirements of state in which hazardous waste is landed.	Ecology has right to inspect RCRA records. Cruise lines agree to comply with more restrictive State rules when offloading hazardous waste in Washington and to provide Ecology with annual reports of hazardous waste offloaded on Washington.
Non-RCRA Garbage	Subject to solid waste requirements of state or community in which garbage is landed. Also subject to provisions of MARPOL ANNEX IV.	May not be discharged in State waters.
Requirement for Reporting Violations	None specifically.	Included.
Specified Fines and Penalties	No specific requirements. RCW 90.48 and Water Quality Standards apply.	Not included. RCW 90.48 and Water Quality Standards apply.
Effective Date	NA	Upon Signature.

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